

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

NATHAN M. POKE,

Plaintiff,

v.

Case No. 19-CV-33

CITY OF LA CROSSE, WISCONSIN and
RON TISCHER,

Defendants.

DEFENDANTS' ANSWER AND AFFIRMATIVE DEFENSES

Defendants, City of La Crosse, Wisconsin, and Ron Tischer, by their attorneys, von Briesen & Roper, s.c., provide the following admissions, denials, allegations, and affirmative defenses in response to the allegations contained in Plaintiff's Complaint:

I. NATURE OF ACTION

101. Answering paragraph 101, these answering Defendants deny the Plaintiff was discriminated against on the job because he is a member of the black race. As for the remaining allegations contained in this paragraph, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

II. JURISDICTION AND VENUE

A. Jurisdiction

201. Answering paragraph 201, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

B. Venue

202. Answering paragraph 202, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

III. PARTIES

A. Plaintiff

301. Answering paragraph 301, these answering Defendants admit the Plaintiff is an adult male citizen of the United States with the capacity to sue and be sued. As for the remaining allegations contained in this paragraph, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

B. Defendants

302. Answering paragraph 302, these answering Defendants admit the Defendant, City of La Crosse, is a legal entity with the capacity to sue and be sued. As for the remaining allegations contained in this paragraph, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

303. Answering paragraph 303, these answering Defendants admit Defendant Ron Tischer is the Chief of Police for the Defendant, City of La Crosse and started as the Chief of Police in the fall of 2002. As for the remaining allegations contained in this paragraph, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

IV. ALLEGATIONS OF FACT AS TO ALL CAUSES OF ACTION

A. 2011: Nathan Poke joins the La Crosse Police Department and, initially, thrives.

4001. Answering paragraph 4001, these answering Defendants admit the Plaintiff began as a police officer with the City of La Crosse on August 23, 2011.

4002. Answering paragraph 4002, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4003. Answering paragraph 4003, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4004. Answering paragraph 4004, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4005. Answering paragraph 4005, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4006. Answering paragraph 4006, these answering Defendants admit Plaintiff was appointed to the Department's "Neighborhood Response Officer" Program. As to the remaining allegations contained in this paragraph, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4007. Answering paragraph 4007, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4008. Answering paragraph 4008, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4009. Answering paragraph 4009, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4010. Answering paragraph 4010, these answering Defendants admit Officer Poke was assigned to the same squad car as Officer Dan Ulrich, who was white. As for the remaining allegations contained in this paragraph, these answering Defendants deny the same putting the Plaintiff to his proof.

4011. Answering paragraph 4011, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

B. August 12-13, 2015

4012. Answering paragraph 4012, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

C. August 14, 2015: Officer Poke finds contraband and turns it in.

4013. Answering paragraph 4013, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4014. Answering paragraph 4014, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4015. Answering paragraph 4015, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4016. Answering paragraph 4016, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4017. Answering paragraph 4017, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4018. Answering paragraph 4018, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4019. Answering paragraph 4019, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4020. Answering paragraph 4020, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4021. Answering paragraph 4021, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4022. Answering paragraph 4022, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4023. Answering paragraph 4023, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4024. Answering paragraph 4024, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4025. Answering paragraph 4025, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4026. Answering paragraph 4026, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4027. Answering paragraph 4027, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4028. Answering paragraph 4028, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4029. Answering paragraph 4029, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4030. Answering paragraph 4030, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4031. Answering paragraph 4031, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4032. Answering paragraph 4032, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4033. Answering paragraph 4033, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4034. Answering paragraph 4034, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4035. Answering paragraph 4035, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4036. Answering paragraph 4036, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4037. Answering paragraph 4037, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4038. Answering paragraph 4038, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4039. Answering paragraph 4039, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4040. Answering paragraph 4040, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4041. Answering paragraph 4041, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4042. Answering paragraph 4042, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4043. Answering paragraph 4043, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4044. Answering paragraph 4044, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4045. Answering paragraph 4045, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

D. August 30, 2015: Poke and Ulrich arrest Marcus Chandler and Ulrich discards Chandler's bong.

4046. Answering paragraph 4046, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4047. Answering paragraph 4047, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4048. Answering paragraph 4048, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4049. Answering paragraph 4049, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4050. Answering paragraph 4050, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

E. August 31, 2015, Officer Poke is demoted and reports Ulrich's misconduct to his captains.

4051. Answering paragraph 4051, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4052. Answering paragraph 4052, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4053. Answering paragraph 4053, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4054. Answering paragraph 4054, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4055. Answering paragraph 4055, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4056. Answering paragraph 4056, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4057. Answering paragraph 4057, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4058. Answering paragraph 4058, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4059. Answering paragraph 4059, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4060. Answering paragraph 4060, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4061. Answering paragraph 4061, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4062. Answering paragraph 4062, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4063. Answering paragraph 4063, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4064. Answering paragraph 4064, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4065. Answering paragraph 4065, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4066. Answering paragraph 4066, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4067. Answering paragraph 4067, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4068. Answering paragraph 4068, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4069. Answering paragraph 4069, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

F. September 1, 2015: Poke speaks with Assistant Chief of Police Abraham.

4070. Answering paragraph 4070, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4071. Answering paragraph 4071, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4072. Answering paragraph 4072, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4073. Answering paragraph 4073, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4074. Answering paragraph 4074, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4075. Answering paragraph 4075, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

G. September, 2015: Poke speaks with Human Resources Director Wendy Oestreich and Mayor Tim Kabatt.

4076. Answering paragraph 4076, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4077. Answering paragraph 4077, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4078. Answering paragraph 4078, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

H. September 8, 2015: Poke interviews witness Lenell Carter.

4079. Answering paragraph 4079, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4080. Answering paragraph 4080, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4081. Answering paragraph 4081, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4082. Answering paragraph 4082, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4083. Answering paragraph 4083, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4084. Answering paragraph 4084, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4085. Answering paragraph 4085, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

I. September 11, 2015: Poke is threatened with discipline for recording the Carter interview.

4086. Answering paragraph 4086, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4087. Answering paragraph 4087, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

J. September 10, 2015: Poke is reprimanded for contacting a citizen.

4088. Answering paragraph 4088, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4089. Answering paragraph 4089, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4090. Answering paragraph 4090, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4091. Answering paragraph 4091, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4092. Answering paragraph 4092, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4093. Answering paragraph 4093, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

K. September 11, 2015: Poke is placed on nondisciplinary leave by the Mayor's office and the Human Resources Department.

4094. Answering paragraph 4094, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4095. Answering paragraph 4095, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4096. Answering paragraph 4096, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4097. Answering paragraph 4097, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4098. Answering paragraph 4098, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4099. Answering paragraph 4099, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4100. Answering paragraph 4100, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4101. Answering paragraph 4101, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4102. Answering paragraph 4102, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

L. September 14, 2015: Poke learns he is being watched.

4103. Answering paragraph 4103, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

M. September 17, 2015: Poke is placed on disciplinary leave by Chief of Police Tischer.

4104. Answering paragraph 4104, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4105. Answering paragraph 4105, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4106. Answering paragraph 4106, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

N. September 18, 2015: Poke is interviewed by counsel for the City, Attorney Nancy Pirkey.

4107. Answering paragraph 4107, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4108. Answering paragraph 4108, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4109. Answering paragraph 4109, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4110. Answering paragraph 4110, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4111. Answering paragraph 4111, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4112. Answering paragraph 4112, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4113. Answering paragraph 4113, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

O. Fall, 2015: the Lewis investigation

4114. Answering paragraph 4114, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4115. Answering paragraph 4115, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4116. Answering paragraph 4116, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4117. Answering paragraph 4117, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4118. Answering paragraph 4118, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4119. Answering paragraph 4119, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4120. Answering paragraph 4120, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4121. Answering paragraph 4121, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

P. November 12, 2015: Poke learns the Department is soliciting citizen complaints about him

4122. Answering paragraph 4122, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4123. Answering paragraph 4123, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4124. Answering paragraph 4124, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4125. Answering paragraph 4125, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

Q. November 19, 2015: Poke follows up on the solicitation of citizen complaints

4126. Answering paragraph 4126, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4127. Answering paragraph 4127, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4128. Answering paragraph 4128, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4129. Answering paragraph 4129, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

R. November 23, 2015: The Lewis investigation clears the Department

4130. Answering paragraph 4130, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

S. December 7, 2015, Poke confirms that the Department has solicited complaints about him.

4131. Answering paragraph 4131, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

T. January 7, 2016: Poke is interviewed regarding his alleged misconduct.

4132. Answering paragraph 4132, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4133. Answering paragraph 4133, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4134. Answering paragraph 4134, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4135. Answering paragraph 4135, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4136. Answering paragraph 4136, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4137. Answering paragraph 4137, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4138. Answering paragraph 4138, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4139. Answering paragraph 4139, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

U. The end of Mr. Poke's employment as a La Crosse police officer.

4140. Answering paragraph 4140, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4141. Answering paragraph 4141, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4142. Answering paragraph 4142, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

V. Comparators

4143. Answering paragraph 4143, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

4144. Answering paragraph 4144, including subparagraphs, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations

contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

V. BASES OF LIABILITY

A. Title VII

501. Answering paragraph 501, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

B. The Equal Protection Clause of the Fourteenth Amendment

i. Individuals

502. Answering paragraph 502, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

C. 42 U.S.C. § 1981.

503. Answering paragraph 503, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

VI. DAMAGES AND EQUITY

A. Compensatory Damages

601. Answering paragraph 601, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

B. Punitive Damages

602. Answering paragraph 602, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

C. Equity

603. Answering paragraph 603, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

VII. CONDITIONS PRECEDENT

701. Answering paragraph 701, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

VIII. REQUEST FOR JURY TRIAL

801. Answering paragraph 801, these answering Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations contained therein; therefore, these answering Defendants deny the same putting the Plaintiff to his proof.

AFFIRMATIVE DEFENSES

1. Upon information and belief, Plaintiff lacks personal as well as subject matter jurisdiction.

2. Upon information and belief, the Complaint filed by Plaintiff fails to state facts sufficient to constitute a cause of action upon which relief may be granted.

3. Upon information and belief, Plaintiff has failed, refused, and/or neglected to mitigate or avoid the damages complained of in his Complaint.

4. Upon information and belief, Plaintiff's causes of action are barred in whole or in part by the Doctrine of Laches.

5. Upon information and belief, Plaintiff is estopped from asserting each cause of action upon which he seeks relief.

6. Upon information and belief, each and every cause of action alleged by Plaintiff is barred by the Doctrine of Waiver.

7. Upon information and belief, all or portion of Plaintiff's claims are barred by the applicable statute of limitations.

8. Upon information and belief, each and every cause of action set forth by Plaintiff is barred as Plaintiff failed to timely and completely exhaust the requisite administrative remedies, both statutory and/or contractual, available to him prior to commencing this action.

9. Upon information and belief, Defendants have immunity/qualified immunity to the claims alleged by the Plaintiff.

10. Upon information and belief, Plaintiff has failed to file a proper Notice of Claim in this case.

11. Upon information and belief, that Plaintiff has released Defendants from all the causes of action set forth in Plaintiff's Complaint.

WHEREFORE, these answering Defendants demand judgment dismissing Plaintiff's Complaint with prejudice, together with the costs and disbursements of this action and such other and further relief as the Court deems just and equitable.

THESE ANSWERING DEFENDANTS REQUEST A TRIAL BY JURY

Dated this 14th day of February, 2019.

von BRIESEN & ROPER, s.c.
*Attorneys for Defendants, City of La Crosse and
Ron Tischer*

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